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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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RONALD LEE ALLEN,) Case No.: 2:10-cv-00857-RLH-GWF
11)
12 Plaintiff,)
13 vs.)
14 CLARK COUNTY DETENTION CENTER; et)
15 al.,)
Defendants.)

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O R D E R

***NUNC PRO TUNC* CORRECTION
OF O R D E R # 138**

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On April 22, 2011, this Court entered an Order (#138) granting Plaintiff Ronald Lee Allen's motion. The Court is now aware of one inadvertent error in that Order and issues this *nunc pro tunc* correction order for the limited purpose of making the record reflect what the Court intended to express in the original, *see In re Warren*, 568 F.3d 1113, 1116 n.1 (9th Cir. 2009), by changing the word DENIED in the conclusion to GRANTED.

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Before the Court is Plaintiff Ronald Lee Allen's **Motion for Extension of Time to File Appeal** (#123, filed March 10, 2011). The Court has also considered Defendant NaphCare's Opposition (#131, filed March 22, 2011), and Allen's Reply (#136, filed Apr. 5, 2011).

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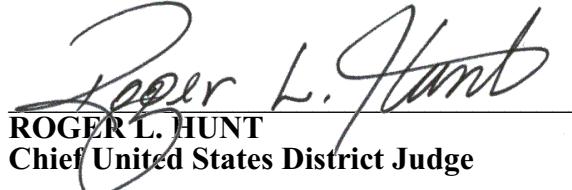
1 Federal Rule of Appellate Procedure 4(a)(5) allows a district court to grant a
2 motion to extend time to file an appeal if the moving party (1) moves for the extension within 30
3 days from the expiration of the deadline to appeal, and (2) shows excusable neglect or good cause.
4 *See also* 28 U.S.C. § 2107(c). The Court finds that Allen's motion meets both of these
5 requirements and, accordingly, grants the motion. The Court extends Allen's time to file by thirty
6 (30) days from the date of the original deadline, February 20, 2011, thus making Allen's notice of
7 appeal filed on March 10, timely.

8 **Conclusion**

9 Accordingly, and for good cause appearing,

10 IT IS HEREBY ORDERED that Allen's Motion for Extension of Time (#123) is
11 GRANTED.

12 Dated: April 25, 2011.

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15 ROGER L. HUNT
16 Chief United States District Judge